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Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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The meeting was called to order at 3.10 p.m.

Agenda item 155: Measures to eliminate international terrorism *(continued)* (A/C.6/53/9; A/C.6/53/L.4)

1. **Ms. Baykal** (Turkey) said that the recent terrorist attacks in Dar es Salaam, Nairobi and Omagh and the killing of Iranian diplomats in Afghanistan showed once more that terrorism knew no boundaries and must be dealt with as a global phenomenon. It was important for the United Nations to consider how terrorism was supported. All Member States must recognize that allowing their territories to be used by persons, groups or organizations which instigated or were engaged in terrorist acts directed against the peace, security, stability and citizens of other States was a violation of Article 2, paragraph 4, of the Charter of the United Nations.

2. Terrorism was also sustained by financing. The International Convention for the Suppression of Terrorist Bombings recognized that fact and provided in its article 15 that States should cooperate in the prevention of terrorist bombings by, *inter alia,* prohibiting the financing of such offences in their territories.

3. Her delegation welcomed the French proposal concerning the draft International Convention on the Suppression of Terrorist Financing (A/C.6/53/9, annex). It should be possible to adopt effective measures, such as the freezing of assets belonging to organizations or individuals that had taken part, directly or indirectly, in terrorist acts. It should be kept in mind, however, that a global approach to fighting terrorism could be achieved only through a general United Nations convention on the subject. That was the approach taken by the General Assembly in its resolution 52/165, which referred to the need for a comprehensive legal framework covering all aspects of the matter.

4. One reason why terrorism had not been eliminated was that terrorists were able to ask for and receive asylum. In that connection, she referred to the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60. Paragraph 5 of that declaration called upon States to fulfil their obligations under the Charter, which included the taking of appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker had not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status was not used in such a manner as to abuse that status.

5. Her Government believed that the International Convention for the Suppression of Terrorist Bombings was a major step in the fight against terrorism and planned to sign it in the near future. Her delegation also supported the draft International Convention for the Suppression of Acts of Nuclear Terrorism (A/C.6/53/L.4, annex I) and hoped that it would be adopted by consensus.

6. Regrettably, the crime of terrorism had not been included in the statute of the International Criminal Court adopted at the Rome Conference. Her Government had proposed that terrorism should be included in the Court's jurisdiction as a crime against humanity, together with illicit drug trafficking, which had strong links to terrorist crimes. Her delegation welcomed the resolution on terrorism and illicit drug trafficking adopted in the Final Act of the Conference and hoped that the States that were in the forefront of the Organization's fight against terrorism would be able to cooperate with the delegations that had proposed the inclusion of those crimes.

7. **Mr. Al Saidi** (Kuwait) said that, as events had proved, terrorism was the product of an extremist attitude which was not specific to any particular geographical area, civilization, culture or religion. With the adoption of the 1994 Declaration on Measures to Eliminate International Terrorism, significant steps had been taken to combat the phenomenon, which was a key concern of the entire international community, particularly since no country was free from its dangers.

8. His country, which rejected any form of violence and intimidation, supported all international efforts to tackle terrorism, including prosecution and trial of the perpetrators of terrorist acts. A distinction should be made, however, between the struggle of peoples for self-determination and terrorism, which took innocent lives. Having noted that the information which States had provided on regional and international measures to combat terrorism would undoubtedly enrich the debate on the subject, he remarked that the international community should cooperate in deploying the resources needed to combat and eradicate terrorism, as well as in harrying those who assisted and encouraged it. Such cooperation would only bear fruit, however, if all States were prepared to act in concert.

9. The formidable task of seeking efficient measures to eliminate international terrorism should include efforts to urge States to accede to the relevant international and regional instruments and agreements. In that connection, his country was endeavouring to accede to those instruments to which it was not yet a party. Further agreements should be adopted, however, in order to address matters not covered by existing agreements. It was also important to define terrorism in order to create a clear distinction between terrorist acts condemned by the international community and

legitimate acts of self-defence and the struggle of peoples for the right to self-determination. Similarly, any measures to eliminate terrorism should not involve interference in the internal affairs of States, whose territorial integrity, security and sovereignty should be respected. Such measures should also seek to end all involvement in organizing, financing, encouraging or assisting any terrorist-related activity.

10. In conclusion, he mentioned some of the effects which his country had suffered as a result of the State terrorism practised by the Iraqi regime during its invasion of Kuwait and reminded Iraq of its obligation under paragraph 30 of Security Council resolution 687 (1991) concerning Kuwait and third-State nationals who were still detained in Iraq.

11. **Mr. Morshed** (Bangladesh) said that his Government welcomed the adoption of international instruments that sought to establish a comprehensive legal framework for the elimination of all forms of terrorism. The international community should take a comprehensive approach involving the establishment of an all-encompassing international regime for combating the problem, the improvement of political cooperation between States and a better understanding of the social and political context of situations that generated hate, despair and extremism. Gaps in the international legal regime should be filled through the development of new instruments or extension of the scope of existing ones.

12. The draft International Convention for the Suppression of Acts of Nuclear Terrorism had laid a foundation for dealing with the complex technological issues involved and for establishing the institutional linkages needed to combat the potential scourge of nuclear terrorism. He welcomed efforts to address the concerns of non-nuclear-weapon States, which made up the overwhelming majority of the international community, and stressed the importance of a convention capable of achieving universal adoption.

13. The representative of Zimbabwe, speaking on behalf of the group of non-aligned States at the preceding meeting of the Committee, had raised some of Bangladesh's concerns. The draft convention was based on a conception of international humanitarian law that his Government did not share, and it was important to find language which would obviate the draft's potential implications.

14. While recognizing that terrorism could not be eliminated through legal instruments alone, he welcomed not only the draft International Convention for the Suppression of Acts of Nuclear Terrorism, but also the draft International Convention on the Suppression of Terrorism (A/C.6/51/6); the former sought to fill a glaring gap in the international regime and to address an aspect of international terrorism that lent itself to legal regulation, while the latter addressed the challenge of shaping a single comprehensive convention for the suppression of terrorism.

15. **Ms. Schneeberger** (South Africa) said that as the international community celebrated the fiftieth anniversary of the Universal Declaration of Human Rights, it must not forget that persistent terrorist attacks throughout the world continued to threaten not only individuals, but also Governments and the very fabric of society. Terrorism had no respect for borders and could be eliminated only with the cooperation of all Member States. Her Government considered all terrorist acts unjustifiable, whatever the circumstances. It was working to harmonize its legislation with the relevant international conventions and urged States which had not yet done so to follow suit.

16. Technological advances had led to increased availability of weapons of mass destruction, including biological and chemical weapons, and the links between terrorism, drug trafficking and organized crime made it even more urgent for the international community to be proactive rather than reactive in its efforts to protect the foundations of a society governed by respect for the rule of law and the sanctity of life.

17. International, regional and bilateral treaties were evidence of the international community's commitment to eliminating terrorism, and General Assembly resolution 51/210 had established an Ad Hoc Committee with a mandate to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism. While supporting those endeavours, her Government was concerned that the conventions being developed might create more problems than they solved. In particular, the draft International Convention for the Suppression of Acts of Nuclear Terrorism contained elements which contradicted efforts to achieve nuclear disarmament and non-proliferation and could undermine not only the maintenance of peace and security, which was one of the objectives of the convention itself, but also existing international law. She therefore associated herself with the statement made by the representative of Zimbabwe on behalf of the non-aligned States and emphasized that the draft Convention could not be adopted until those concerns had been addressed.

18. Her delegation was considering with interest the French proposal concerning the draft International

Convention for the Suppression of Terrorist Financing, which filled a major gap in existing international law. However, the continuous elaboration of international conventions on specific types of terrorism might not ensure an organized response to terrorism and, indeed, might not adequately fulfil the Ad Hoc Committee's mandate to develop a comprehensive legal framework covering all aspects of terrorism. The adoption of individual conventions could lead to overlapping, duplication and legal uncertainty without addressing some of the fundamental issues involved, and States needed a clear framework on the basis of which to develop domestic legislation to combat terrorism.

19. It was time to consider whether the Committee could fulfil its own mandate without establishing clear parameters for the study of terrorism and whether there was a need for a comprehensive convention on terrorism. At the 12th Summit of the Non-Aligned Movement, held in Durban, South Africa, in 1998, 113 States had called for the holding of an international conference under United Nations auspices in order to formulate a joint international approach to combating terrorism. She urged the implementation of that recommendation.

20. **Mr. Sergiwa** (Libyan Arab Jamahiriya) said that, despite the efforts of the United Nations to eliminate the crime of terrorism, which could not be justified under any circumstances, terrorist acts and their innocent victims were increasing in number and the methods used were currently such as to threaten the stability of nations and the foundations of society. The efforts to eliminate terrorism would be facilitated by the formulation of a clear and precise definition of that phenomenon that was universally acceptable and maintained a distinction between terrorism and the legitimate struggle of peoples for national liberation and self-determination. Having stressed the importance of condemning and eliminating State terrorism, which was the most serious form of terrorism, he said that the strengthening of international cooperation to eliminate terrorism was essential, as was the formulation of efficient, impartial and objective containment strategies. It was also crucial for States to fulfil their commitments under the relevant international agreements to which they were parties and comply with the relevant United Nations resolutions and other instruments.

21. He regretted the ongoing campaign waged by certain States to link Islam, Muslims and Arabs with terrorism; Islam was a religion of tolerance, while Muslims and Arabs were victims of terrorism and its goals. His delegation emphasized the responsibility incurred by States involved in financing, protecting, training, arming or sheltering terrorists with a view to achieving their political ends. Such activities should be roundly condemned as flagrant violations of the 1994 Declaration on Measures to Eliminate International Terrorism and the 1996 Declaration which supplemented it. It was disturbing that, under the guise of combating terrorism, States were engaged in such activities and resisting the efforts of peoples to achieve or defend their freedom and dignity.

22. A number of questions arose in that connection. Who had financed, trained and armed those who had fought in Afghanistan during the presence of the Soviet troops? Who had initially called those fighters Mujahedeed and why did they currently call them terrorists instead? Where did those who organized terrorist acts against their own countries live, and who provided them with protection, finance, arms and training? Why and where did such activities take place? Who was responsible for the outbreak of wars and internal strife? Although those concerned would never respond openly to such questions, the answers were obvious.

23. His country had repeatedly been the victim of the terrorist practices of certain major States, which included military aggression and the imposition of unjust economic sanctions, as well as naval and air attacks. It therefore reiterated its condemnation of all forms of State terrorism and its willingness to engage in international cooperation aimed at the elimination of such terrorism. It had acceded to the international and regional instruments on terrorism, with which its legislation was in line, and imposed the heaviest penalties on the perpetrators of terrorists acts. It had also called for a special session of the General Assembly with a view to reaching a specific definition of international terrorism, eliminating its causes and ending the violence and terror caused by the possession of weapons of mass destruction and nuclear weapons, which threatened the entire human race.

24. Although he supported the adoption of an international convention for the suppression of acts of nuclear terrorism and welcomed the efforts made in that connection, he regretted that the concerns which his country had expressed in the Working Group had not been taken into account. The existing draft Convention contained no legal definition of nuclear terrorism and did not address the question of the disposal of radioactive material at sea or in the territory of other States. In addition, the exclusion from the draft convention of the military armed forces of States in accordance with the final preambular paragraph and article 4, paragraph 2, was somewhat controversial in that it conflicted with the commitment of the international community to refrain from the use or threat of use of nuclear weapons and left the way open for State terrorism. Her country was therefore making a reservation concerning any

provision in the draft convention that permitted any use of such weapons by the military armed forces of States. In that connection, he reaffirmed his endorsement of the call made by the 12th Summit of the Non-Aligned Movement, held in Durban, for the convening of an international summit conference under United Nations auspices with a view to defining international terrorism and combating such terrorism and its causes.

25. **Mr. Kolev** (The former Yugoslav Republic of Macedonia) said that his delegation supported the French proposal concerning the draft International Convention for the Suppression of Terrorist Financing and the draft International Convention for the Suppression of Acts of Nuclear Terrorism. He urged States to enhance international cooperation by adopting effective measures to prevent terrorist acts, adapt their national legislation in that regard and exchange accurate and verified information to that end, as envisioned in article 7, paragraph 1, of the draft Convention. He hoped that the draft Convention would be adopted without a vote.

26. **Mr. Shihab** (Maldives) said that he welcomed the report of the Secretary-General on measures to eliminate international terrorism (A/53/314), the work of the Ad Hoc Committee established under General Assembly resolution 51/210 and the progress towards a draft convention on the suppression of acts of nuclear terrorism. His country had been a victim of international terrorism and, as a small island State, it remained concerned about the dangers posed by that problem. No society or political system was immune to the scourge of terrorism, which had become even more menacing in the post-cold war era with the increased sophistication of weapons of terror and the spread of terrorism through developments in mass communications.

27. Many small developing States were easy targets for those who sought to use violence for political ends through terrorism and the activities of mercenaries. In a small society, terrorist acts could threaten national sovereignty and the right to self-determination; for example, in 1988, his own country had faced a terrorist attack that had been repelled with the help of a friendly neighbour, India. It was, therefore, unfortunate that, nearly a decade after the International Convention against the Recruitment, Use, Financing and Training of Mercenaries had been opened for signature, it had not yet entered into force, and he called on States that had signed the Convention to ratify it as quickly as possible.

28. His country, which had already signed a number of international conventions to combat terrorism and was actively considering accession to the remainder of them, had been one of the first States to submit information on its national legislation under paragraph 10 (b) of the Declaration on Measures to Eliminate International Terrorism. In conclusion, he reiterated the need for international cooperation in combating the terrorist threat at the dawn of the next millennium.

29. **Mr. Doudech** (Tunisia) said that the fight against international terrorism required an urgent and concerted response from the international community. The Declaration on Measures to Eliminate International Terrorism, continued to offer an important example in that regard. In that declaration, the States Members of the United Nations had condemned unequivocally all acts, methods and practices of terrorism, which constituted a grave violation of the purposes and principles of the United Nations and posed a threat to international peace and security. They had recognized their obligation to refrain from assisting terrorists or encouraging terrorist activities within their territories. They had stressed the need for the apprehension and prosecution or extradition of perpetrators of terrorist acts and had pledged to cooperate with one another in exchanging information concerning the combating of terrorism.

30. The firm commitment reflected in that declaration should be embodied in an international convention that would deal in a comprehensive manner with the scourge of international terrorism. Such an instrument would raise the awareness of the international community with regard to the need to strengthen measures against perpetrators of terrorist acts. The elaboration of an international convention on the elimination of international terrorism would give a new impetus to cooperation between States by establishing a broad international framework that could fill the gaps in that area.

31. At its recent summit meeting held in Durban, the Movement of Non-Aligned Countries had called for the early adoption and implementation of a global international convention on the elimination of terrorism. It had also called for the holding of an international conference under the auspices of the United Nations with a view to the formulation of a concerted international response to terrorism in all its forms.

32. The fact that several regional conventions on the suppression of terrorism had been elaborated should encourage the international community to envisage the drafting of a global convention. The Ad Hoc Committee established by General Assembly resolution 51/210 should consider that question and decide how to deal with it. His delegation expressed appreciation for the work accomplished so far, including, most recently, the preparation of the draft

International Convention for the Suppression of Acts of Nuclear Terrorism. While the draft as a whole represented a step forward for the international community in its fight against nuclear terrorism, it had not been possible to adopt it because of the remaining differences over the applicability of the Convention. It had been left to the Sixth Committee to decide on the follow-up to be given to the draft. The Committee was thus in a difficult position in view of the short time remaining for the completion of its work and the importance of adopting the draft Convention by consensus. The issues in dispute had been the subject of intense negotiations; those consultations should continue so that a compromise solution could be found. His delegation hoped that the statement made by the representative of Zimbabwe, stressing the need for more time in order to consider the draft Convention, would be taken into account in the conduct of the negotiations.

33. **Mr. Al-Dosari** (Bahrain) said that the relevant international instruments provided a good framework for combating terrorism that was complemented by regional and other efforts. However, as some of those instruments had been drafted in response to specific events, the international community still had plenty of scope for creating additional mechanisms and adopting legal measures in order to cover all aspects of the matter, including the formulation of a precise definition of terrorism. In that connection, he expressed support on the convening of an international conference on terrorism and for the elaboration of mechanisms to facilitate the exchange of information between States.

34. States should hand over persons in their territory who were suspected of committing a crime to a State connected with the crime, and should cooperate fully with regard to legal assistance and preventive measures. International efforts should also be undertaken to standardize the concept of political asylum and ensure that terrorists did not benefit undeservedly from the opportunities provided by such asylum. A distinction should be made between associations engaged in legally recognized social and intellectual activities and groups which adopted terrorism and violence as a means of achieving their political aims. Governments should encourage the media to play a role in unmasking terrorists and the concept of protecting human rights, which terrorists invoked as a means of achieving their aims, should be more clearly understood by the international community. The members of that community should likewise adopt a united stand against State-sponsored terrorism with a view to its rapid elimination, while at the same time strengthening the concept of national sovereignty and the maintenance of stability and security. Similarly, the right of peoples to self-determination and to oppose foreign occupation forces should not be confused with attempts to overthrow existing regimes in order to assume power. The various working groups established to elaborate draft conventions aimed at combating terrorism provided an excellent framework for the efforts to codify international cooperation in that field.

35. **Mr. Rabuka** (Fiji) said that the phenomenon of terrorism was closely linked to criminal activities. The agencies of the United Nations system could be expected to play a major role in centralizing information in that regard. International efforts were needed to enhance the capacity of police, law enforcement and judicial organs in small countries. His Government had begun discussions with the Australian Government on ways and means of exchanging information. His delegation hoped that the draft Convention could be finalized in the near future.

Agenda item 151: Report of the United Nations Commission on International Trade Law on the work of its thirty-first session *(continued)* (A/C.6/53/L.7)

36. **Ms. Sucharipa** (Austria), introducing draft resolution A/C.6/53/L.7 on behalf of its sponsors, which had been joined by Morocco and Fiji, said that the text was substantially similar to that of General Assembly resolution 52/157. New elements were contained in paragraphs 2 and 3, which commended the Commission for the progress made in its work on privately financed infrastructure projects and the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and for holding a special commemorative "New York Convention Day" in order to celebrate the fortieth anniversary of the Convention and a Uniform Commercial Law Information Colloquium. After drawing attention to paragraphs 6, 7, 10 and 13, she said that the sponsors hoped that the draft resolution could be adopted without a vote.

37. *Draft resolution A/C.6/53/L.7 was adopted.*

Agenda item 156: Review of the Statute of the Administrative Tribunal of the United Nations *(continued)* (A/C.6/53/L.10)

38. **Mr. Grainger** (United Kingdom) introduced draft decision A/C.6/53/L.10, which recalled General Assembly resolution 52/166 of 15 December 1997 concerning the desirability of reviewing the provisions of the statute of the Administrative Tribunal of the United Nations and proposed that the relevant agenda item should be included in the provisional agenda of the fifty-fourth session.

The meeting rose at 4.35 p.m.